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IN THE DRAWINGS:

Please replace pending Figure 5 with Figure 5 provided on the accompanying replacement sheet.

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REMARKS / ARGUMENTS

The above amendments were made after an interview with the Examiner on September 13, 2007, to better clarify the present invention in view of the cited prior art.

Amendments to the Specification

In the specification, the paragraph commencing on page 3 with the text "In accordance with a first embodiment of the present invention ..." has been modified to reflect amendments to claim 1. The paragraph beginning with "Due to a high rate of instantaneous demand ..." commencing on page 8, has been amended on the last sentence thereof (page 9, lines 15-17), for consistency with amended claim 1 and better clarity of the movable chute 84 being in fact a 'lowerable' guide, as opposed to a 'raisable' guide, and as described in the remaining portion of that same paragraph. No new matter has been added by these amendments.

Amendments to the drawings

In the drawings, Figure 5 has been replaced with corresponding Figure 5 shown on the attached replacement sheet, after an interview with the Examiner on September 13, 2007. Amended Figure 5 shows all the chutes 84, instead of only the two front chutes as in pending Figure 5, which act as lowerable guides, in a raised position indicated by the depiction of the chute 84 in solid lines (the default position) and in a lowered position indicated by the dotted lines, with corresponding numeral references '84'. The arrows indicate movement of the chute. Support for this amendment is found in the paragraph beginning with "Due to a high rate of instantaneous demand ..." commencing on page 8, which describes chute 84 as both movable and lowerable, and operating as a raisable (now currently amended as 'lowerable') guide which is lowered just in time (default being the raised position) to allow the box to merge onto the mixing conveyor. Furthermore, reference line of numeral reference '82' has been moved to properly refer to the downstream stopper mechanism 82, which ensures that no boxes pass therethrough onto a movable chute 84 (therefore

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being located upstream of the chute 84). Accordingly, no new matter is added by these amendments.

Amendments to the claims

The claims, notably claim 1, have been amended to clarify firstly the fact that the raisable guides are in fact selectively lowerable guides, secondly the fact that each first case guide of the pair thereof is in communication with a respective selectively lowerable guide of the pair thereof, which is in turn selectively in communication with a respective independent mixing second case guide from the pair thereof, thirdly the fact that each depalletizing station of the at least two thereof is at a respective location along the mixing second case guides, and fourthly the fact that each lowerable guide of a downstream depalletizing station, when in a raised position, allows mixed product cases merged onto a respective second case guide from upstream depalletizing station(s) to flow thereunder, as disclosed throughout the specification and in Figures 1 to 6 of the application as originally filed. The remaining amended claims have undergone minor modifications to ensure proper antecedent basis with amended claim 1 and to improve the clarity and the idiom. Accordingly, no new matter is added by these amendments.

Claim rejections under 35 USC 112

The Examiner has rejected claims 1-3 and 6-25 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: Claim 1 has been amended to replace the term 'raisable' by the term 'lowerable', and to clarify that each lowerable guide is selectively lowered to allow product cases from the corresponding first case guide to merge onto the respective mixing second case guide, and that each lowerable guide, when in a raised position, allows product cases merged onto the respective mixing second case guide from upstream depalletizing stations to flow thereunder. Accordingly, the applicant respectfully believes that the subject matter of

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amended claim 1 is definite and complies with requirements of 35 USC 112, 2nd paragraph. (Emphasis added)

Accordingly, applicant respectfully requests that rejections of claims 1-3 and 6-25 under 35 USC 112, 2nd paragraph, be withdrawn.

Claim rejections under 35 USC 103 (a)

The Examiner has rejected claims 1-3, 6, 7, 16 and 25 as being unpatentable over Nelsen (Pn 1,800,898), in view of De Greef (Pn 4,411,366). In response, the Applicant has modified claim 1 to clarify some inventive features thereof, as well as clarifying the function of the lowerable (formerly and inadvertently improper term 'raisable') guides.

Re claim 1: In fact, independent claim 1 of the present invention refers to an order merging system comprising at least two depalletizing stations, each one feeding cases of different respective products depalletized on the depalletizing stations to at least one pair of first guides and at least one pair of lowerable ('lowerable' being a proper term to use than 'raisable' since the lowerable guides or chutes 84 are selectively lowered to allow a product case to merge onto the respective mixing second case guide, *see page 9, lines 14-17 of the original disclosure*) guides respectively extending therefrom, the cases of the different products being combined on the at least one pair of independent mixing second case guides (independent from one another, *see page 8, lines 16-17 and 26, of the original disclosure*), such that each one of the second guides receives a specific combination or mix of the respective product cases selectively (*see page 9, line 14 and page 11, lines 10-11. of the original disclosure*) merged thereon from a respective one of the first guides of each one of the at least two depalletizing stations, using the respective lowerable guides, each said depalletizing station being at a respective location along the mixing second case guides such that one of the at least two depalletizing stations is downstream of the other one relative to the mixing second case guides (*see the original disclosure, including original Figures 1, 4 and 5*), each lowerable guide of a downstream said depalletizing station, when in a raised position, allowing

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mixed product cases merged onto respective said second case guide from an upstream said depalletizing station to flow thereunder, which is inherently the purpose of the lowerable guides. (Emphasis added)

Nelsen discloses a conveying apparatus with receiving (depalletizing) stations (2,3,4), each feeding a first guide (5,6,7) turning into a second guide downstream of a curved (non-twisted; twisted generally implying a change of plane and direction) section, such that each second guide having only the product cases of its respective depalletizing station. All second guides reach a common merging section (13) that feeds the only one main line mixing conveyor (8) with the merged products thereon, as opposed to one independent mixing second case guide for each one of the first case guides of the corresponding depalletizing stations. Also, Nelsen's raisable guide (guide rails of conveyor (11), seen in Figures 6 and 7, as stated by the Examiner) of a downstream depalletizing station (relative to the mixing conveyor) does not allow mixed product cases merged onto the mixing second case guide from upstream depalletizing stations to flow thereunder when in a raised position, since the depalletizing stations are not located at respective locations along the mixing conveyor and in relation thereto. (Emphasis added)

Furthermore, in order to get at least one pair of second case guides (mixing conveyors) as in the present invention, Nelsen would need two sets of apparatus of Fig. 1, thus twice the floor space, and so on for more, as opposed to the present invention in which only additional first guide(s), raisable guide(s) and second guide(s) simply need to be added along the existing pairs to get additional mixed lane(s) of merged products (*see page 8, lines 9-13 and 20-23, Figures 1, 4 and 5 of the original disclosure*). In addition whereas the present invention can merge a great amount of different products on each one of the mixing second case guides by adding downstream or upstream depalletizing stations which only add length to the present system, Nelsen's apparatus would needs to be longer and also wider to merge these additional products. Notwithstanding the fact that this additional width is a significant disadvantage in and of itself due to the floor space consumed. Furthermore, adding a significant number of additional products by widening Nelsen's merging apparatus would

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make it a complex mechanism, difficult to build, access and maintain, making it unpractical, and unrealistic solution to merge more than three products. Additionally, it is noted that it would be useless to have one pair of first case guides (5, 6) of Nelsen's system to supply a same product since the two lines feed a same mixing conveyor (8), as opposed to each one of Applicant's depalletizing stations that includes at least one pair of first case guides of a same product to feed two independent mixing second case guides. (Emphasis added)

Accordingly, it is respectfully believed that it would not have been obvious at all to one having ordinary skill in the art at the time Applicant's invention was made to allow Nelsen's depalletizing stations to convey different products or articles per lane as taught by De Greef in order to provide for a conveyor system capable of more efficiently conveying different products or articles from one point to another on multiple mixing lanes, as claimed in amended claim 1 of the present invention.

Re claims 2, 3, 6, 7, 16, and 25: Amended dependent claims 2, 6, 7, and 25 are respectfully believed to patentably distinguish the invention over the prior art cited by the Examiner for the similar reasons set out above with respect to claim 1 since they depend thereon. Claim 3 and 16 have been cancelled since the subject matter thereof is now found in claim 1.

Accordingly, the Applicant respectfully requests that rejections of claims 1-3, 6, 7, 16 and 25 under 35 USC 103(a) be withdrawn

Allowable subject matter

The Examiner states that claims 8-15 and 17-24 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and intervening claims. Claims 8-15 and 17-24 are all dependent on amended claim 1 and have all the features and limitations thereof. Accordingly, the Applicant respectfully

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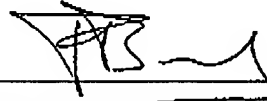
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submits that these claims are now allowable for the same reasons set out above for amended claim 1.

In light of the foregoing, the Applicant submits that the Application, with amended claims 1, 2, 6-15 and 17-25, is now ready for allowance and favorable consideration of the present application to this effect is respectfully requested.

Respectfully submitted,

Dan LAFONTAINE, Assignee



Franz BONSANG, Reg.No: 56638

Encl.: Petition for Extension of Time (1 month) with fee payment form (2 pages);
Replacement sheet of page 5 of the Drawings for amended Figure 5.

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